

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Bilal Haidari, Yamen Haidari,  
Zahi Haidari,

Civil No. 06-3215 (DWF/AJB)

Plaintiffs,

v.

**ORDER**

Denise Frazier, District Director,  
U.S. Citizenship & Immigration  
Services; Eduardo Aguirre, Director,  
U.S. Citizenship & Immigration Services;  
Alberto Gonzales, Attorney General  
of the United States; Michael Chertoff,  
Secretary, U.S. Department of  
Homeland Security,

Defendants.

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Herbert A. Igbanugo, Esq., Igbanugo Partners Int'l Law Firm, PLLC, counsel for  
Plaintiffs.

Mary J. Madigan, Assistant United States Attorney, United States Attorney's Office,  
counsel for Defendants.

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This matter is before this Court on Defendants' Motion to Dismiss for Lack of  
Subject Matter Jurisdiction. Oral argument was heard on December 1, 2006.

Based on the files, records, and proceedings herein, the arguments of counsel, and  
for the reasons stated at the hearing, this Court finds that it does have subject matter  
jurisdiction over the present cause of action.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The Defendants' Motion to Dismiss (Doc. No. 8) is **DENIED and REMANDED** to USCIS. The USCIS is ordered to complete its adjudication of Plaintiffs' I-485 applications within 30 days. Upon completion of the adjudications, the USCIS shall promptly inform this Court and the Plaintiffs of its decisions. This Court will retain jurisdiction over the matter in the interim to ensure that the USCIS complies with this order. A Memorandum Opinion and Order will follow.

2. The Plaintiffs' Motion for Default Judgment (Doc. No. 3) is **WITHDRAWN**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 1, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court